

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN JOAN ANDERSEN**, on January 13, 2003 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Joan Andersen, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Larry Lehman, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Carol Gibson (D)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Clarice Schrumpf (R)
Rep. Pat Wagman (R)

Members Excused: Rep. Verdell Jackson (R)
Rep. Bob Lawson (R)

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Mari Prewett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 28, 12/19/2002
Executive Action: None

HEARING ON HB 28

Exhibits 1 through 5 were presented to the committee for their information.

EXHIBIT (edh06a01)

EXHIBIT (edh06a02)

EXHIBIT (edh06a03)

EXHIBIT (edh06a04)

EXHIBIT (edh06a05)

Sponsor: _____ **REP. NORMA BIXBY, HD 5, LAME DEER**

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3.0}

REP. NORMA BIXBY, HD 5, LAME DEER, said she is carrying the bill on behalf of the State Tribal Relations Interim Committee. The bill is to increase the student distribution limit for resident nonbeneficiary students attending tribally controlled community colleges in Montana to \$2,000, the bill also eliminates the requirement to subtract the amount given in Indian fee waivers prior to distribution of money for nonbeneficiary students. Rep. Bixby stated this bill is basically to put in a line item appropriation in the Commissioner of Higher Education's budget in the next biennium. **REP. BIXBY** referred to a handout **SUPPORT HB 28**, see attached Exhibit 6. She stated that to understand HB 28 it would be beneficial to read this handout. **REP. BIXBY** then referred to an additional handout see Exhibit 7 which showed the seven Tribal Community Colleges and their respective locations. **REP. BIXBY** talked about the two trips the State Tribal Interim Committee had taken to two of the tribal community colleges and the impact that funding the nonbeneficiary students has on the budgets for these community colleges.

EXHIBIT (edh06a06)

EXHIBIT (edh06a07)

REP. BIXBY further stated that the majority of the students who attend the tribal community colleges are place bound, that the courses that are offered at the tribal community colleges are transferable to other institutions in the state and that all of the tribal colleges have open enrollment. The students who attend these colleges are students who cannot afford to move to other institutions because of family or financial considerations. Some of the fields offered at the tribal community colleges are the same as those offered at any university or community college. It is more convenient and cost effective for the students in these areas to attend the tribally controlled colleges to get their general studies.

REP. BIXBY stated that the majority of the funds that the tribally controlled community colleges come from the federal government. The funds are based on the number of FTE's that are federally recognized tribal members attending the tribally controlled colleges. The federally recognized tribes are listed in the Congressional Record. The federal funds provide the same services as the state funding provides for the university system. The problem is that the tribally controlled colleges receive no funding from the federal government or the state for nonbeneficiary students. The nonbeneficiary students pay only tuition and fees. A small amount of money was provided in the last biennium, see attached Exhibit 8. **REP. BIXBY** referred to Exhibit 9 which indicates the total number of tribal college students showing the increase in total students as well as the increase in nonbeneficiary students. The 2001 legislature did appropriate funds for the tribal community colleges. However, in 2002 the Special Session decreased the initial funding amount. There simply is not enough being provided to assist the tribal community colleges with their costs.

EXHIBIT (edh06a08)

EXHIBIT (edh06a09)

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 12.5}

Rep. Jonathan Windy Boy, HD 92, Box Elder and also a tribal elected Councilman, stated that he is the Chairman of the Stone Child College. Rep. Windy Boy stated that the tribal community college system has helped not only his tribe but all tribes. The passing of this bill would help each tribal community college move forward in a positive direction -- not as a handout but side by side.

Rep. Carol Juneau, HD 85, Browning, stated that tribal colleges have been one of the best things that have happened to the Montana Indian Reservations in the past 25 years in terms of economic development and in terms of educational activities. This bill will truly promote economic development, jobs and a better place for everyone in Montana. Rep. Juneau stated she believes that the tribal community colleges contribute a great deal to the State of Montana. She further stated that the state needs to provide financial support to the tribal community colleges.

Chris Christiaens, appearing for himself, but also as former State Senator and Chair of the Inter-State Tribal Relations Committee in the last biennium. Mr. Christiaens stated that from

traveling to two of the tribal colleges it was apparent that many of the folks attending the tribal colleges would not be able to go to school should they not have the opportunity to stay on the reservation. Mr. Christiaens and the committee were most impressed with the health care training offered by the community colleges visited. It is a great economic boost to the community as the students can remain at home and still get an education, obtain employment and reduce the unemployment problem. Mr. Christiaens referred to the fiscal note and past funding.

Dr. Joseph McDonald, President, Salish Kootenai College, spoke.

EXHIBIT (edh06a10)

Terry Whitright, President of the Blackfeet Community College, stated that they are a young institution and struggle to survive. He further stated that each year the costs go up and that this year they are under budget constraints designed by the continuing resolution of the U.S. Department of Education Budget. He further stated they never know where they stand and are always off balance especially with the rising of costs. Mr. Whitright stated that they are having more students that are designated nonbeneficiary students. He further stated that their goal at the Blackfeet Community College is to educate all students that come to their school Indian and non-Indian alike.

Ron Ladue, Development Officer at the Blackfeet Community College in Browning, stated that HB 28 is requesting only what is provided to the university system and the community colleges. He further stated that there are more tribal colleges in the State of Montana than there are Montana community colleges. The \$2,000 requested by HB 28 for the tribal community colleges is about the same amount of money the legislature will hopefully be appropriating for the Montana State community colleges. He further stated that the tribal community colleges are asking to be equal and to be treated as such. Mr. Ladue further stated that the tribal community colleges do not charge a surcharge to nonbeneficiary students to attend the tribal colleges they are charged the same amount as the tribal students. Tribal colleges do not get outside support.

Dick Croft, Commissioner of Higher Education stated that he has information if anyone has questions regarding how the university system has administered this program in the past. Mr. Croft stated that most states have a system of two year institutions spread across the state that provide access to two year programs and certificate programs for students wherever they happen to reside, whether rural or urban areas. In Montana the seven tribally controlled community colleges help provide this

comprehensive array of two year institutions. There are a number of non-Indian students attending these facilities and are not supported by the federal government.

Evelyn Wurk, Development Officer for Salish Kootenai College

presented facts about the tribal colleges and urge support for HB 28.

Kristine Peterson, student at Salish Kootenai College stated how much attending Salish Kootenai College has helped her and others and urged support for HB 28.

Ken Rodda, a nonbeneficiary student at Salish Kootenai College

stated that without the adult education classes and availability of the college he would not be able to receive a college education. Mr. Rodda urged support for HB 28.

Linda Larson, a resident nonbeneficiary student at Salish

Kootenai College, stated that if it were not for the tribal community college she would not be able to attend post secondary schooling. Ms. Larson urged support of HB 28.

James Cross, a nonbeneficiary student of Salish Kootenai College,

stated that in checking for nursing training he was told that since he lived in the Ronan Pablo area he should go to SKC as it is one of the best nursing schools in the nation. Mr. Cross urged support for the bill.

Deborah Clairmont, nonbeneficiary student at the Salish Kootenai

College, stated that there is a great need for funding as the tribal schools are an asset to the State of Montana and urged support for HB 28.

Holly Hanson, nonbeneficiary student at the Salish Kootenai

College, urged support for HB 28.

REP. VERONICA SMALL-EASTMAN, HD 6, Lodge Grass

stated that as a member of Big Horn County and the Crow Reservation she knows that there are a lot of non-Indian residents on the reservation, with the Indian population owning only 49 percent of the land. **REP.**

SMALL EASTMAN stated that with that percentage many of the people need to go to college or vocational technical school. The tribal colleges provide the education that the people need without them having to leave the reservation or the county. With the certification and degrees that the tribal colleges provide for the people the people are able to get an education right in their community. **REP. SMALL-EASTMAN** asked that the committee pass HB 28.

Alicia Waldrup, student, Blackfeet Community College, stated that she urged support of HB 28.

Andrej Gussman, student, Blackfeet Community College, stated that the tribal community colleges provide a better opportunity for people to obtain a higher degree of education and strongly supported HB 28.

Kimberly Paul, student of Blackfeet Community College, stated that without the opportunity presented to her by Blackfeet Community College she would not have been able to pursue her education. Ms. Paul strongly urged support for HB 28.

Rudolfo Rivas, stated that Blackfeet Community College is a very nurturing and personable place to obtain an education and strongly urged the committee's support of HB 28.

REP. FRANK SMITH, HD 98, Poplar, stated he stands in support of HB 28. Rep. Smith further stated that the tribal community colleges are good programs and that they should be treated like any other community college in the State.

Anita Big Spring, Administrative Assistant, Salish Kootenai College, stated that she strongly urges support for HB 28.

Opponents' Testimony: None

Informational Witnesses: None

Questions from the Committee Members and Responses:

{Tape : 2; Side : 1; Approx. Time Counter : 7.5}

REP. LAKE asked **President McDonald** to explain line 5, item 6 on page 2 of the bill. **President McDonald** explained that these lines would be deleted. **President McDonald** referred the question to **Eddye McClure, of Legislative Services.** **Ms. McClure** stated that this was an amendment and what was wanted at the time of amendment was that the number of nonbeneficiary funds be equal to the amount of fee waivers given to Indian students who attend the University of Montana university system. **Eddye McClure** stated that the system has never been enforced and that is the reason this section is coming out of the bill.

REP. GALVIN-HALCRO asked **President McDonald** and **Mr. Ladue** how close the institutions are to limiting enrollment without the passage of HB 28. **President McDonald** stated that they would not limit enrollment during his tenure as President but they would

have to raise fees. **Mr. Ladue** stated that Blackfeet Community College would not limit enrollment. He further stated that they would not deny access to nonbeneficiary students. He then stated that they may have to look at raising fees for those students which would limit the students access because of financial hardship.

REP. LEHMAN asked **Commissioner Croft** about the handout urging support of HB 28 wherein it indicates that tribal colleges currently receive no federal or state assistance for students, yet the law indicates that \$1,500 per student is in effect by 20-5-428. He asked if this meant that the Board of Regents would offer nonbeneficiary students this assistance if in fact the legislature appropriated money for this. **Commissioner Croft** stated that is correct. The University System has administered this program for three bienniums. He then referred to the bill wherein it states that if funds are appropriated the Board of Regent shall administer the program.

REP. LEHMAN asked **Commissioner Croft** if in fact in one of the sessions the Legislature statutorily required the Board of Regents to provide the \$1,500? **Commissioner Croft** referred to past amounts that had been appropriated.

REP. LEHMAN asked **Commissioner Croft** if in fact the funds were appropriated for the tribal colleges to offset the costs for the nonbeneficiary students, were they distributed? **Commissioner Croft** answered, "Yes."

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 15.8}

REP. BIXBY stated that these colleges are in deficit spending. The colleges will not close their doors but will need to raise their fees which will place a burden on the students. She further went on to state that the tribal colleges are not looking for monetary gains. The colleges are a boon to the community in that the graduates become tax payers. **REP. BIXBY** further stated that we do not know what the future will hold without the help of this funding provided by HB 28.

CHAIRMAN ANDERSEN referred to **REP. LEHMAN** who introduced the speakers for the presentation on the Montana School Budgets Qwyn Andersen of Browning Public Schools and Betty Brumwell of the Dutton Public Schools. A copy of the training manual for this presentation is attached.

EXHIBIT (edh06a11)

ADJOURNMENT

Adjournment: 5:47 P.M.

REP. JOAN ANDERSEN, Chairman

MARI PREWETT, Secretary

JA/MP

EXHIBIT (edh06aad)